

REMARKS/ARGUMENTS

Claims 1-17 and 19-24 are pending in this application. By this Amendment, Applicant amends claims 12-14 and 20 and cancels claim 18.

Applicant greatly appreciates the Examiner's indication that claims 1-5 are allowable and that claims 7, 10, 18 and 21 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Figures 1 and 2 were objected to for not being designated as --Prior Art--. Applicant has amended Figures 1 and 2 to be properly designated as --Prior Art--. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

Claims 12, 13, 20, 23 and 24 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicant has amended claims 12, 13 and 20 to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 14, 16, 17, 19 and 22 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,700,302. Applicant has amended claim 14 to include the features recited in allowable claim 18, which has not been rejected over claims 1 and 2 of U.S. Patent No. 6,700,302. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 14, 16, 17, 19 and 22 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Yamamoto et al. (U.S. 6,700,302) or Itasaka et al. (U.S. 6,563,400). As noted above, Applicant has amended claim 14 to include the features recited in allowable claim 18. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 14, 16, 17, 19 and 22 were rejected under 35 U.S.C. § 102(f) because the Applicant allegedly did not invent the claimed subject matter. As noted above, Applicant



Serial No. 09/974,979  
September 21, 2004  
Reply to the Office Action dated June 24, 2004  
Page 7 of 11

**AMENDMENTS TO THE DRAWINGS:**

The attached replacement sheet of Drawings includes changes to Figs. 1 and 2. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2.

Attachment: One Replacement Sheet



Serial No. 09/974,979  
September 21, 2004  
Reply to the Office Action dated June 24, 2004  
Page 9 of 11

has amended claim 14 to include the features recited in allowable claim 18.  
Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 6, 8, 9, 11-13, 15, 20, 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al. (U.S. 6,700,302) in view of Inoue et al. (U.S. 5,084,647).

Applicant submits herewith a Declaration under 37 C.F.R. § 1.130 which indicates that the subject matter of U.S. Patent No. 6,700,302, and the present claimed invention were, at the time the invention was made, owned by the same company or subject to an obligation of assignment to the same company. Since Yamamoto et al. (U.S. 6,700,302) qualifies as prior art under 35 U.S.C. § 102(e) and is relied upon in a rejection of claims 6, 8, 9, 11-13, 15, 20, 23 and 24 under 35 U.S.C. § 103(a), Applicant respectfully submits that Yamamoto et al. (U.S. 6,700,302) is disqualified as prior art in the present application, in view of the Declaration under 37 C.F.R. § 1.130.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

In anticipation of the Examiner changing the rejection of claims 6, 8, 9, 11-13, 15, 20, 23 and 24 to a rejection under 35 U.S.C. § 103(a) over Yamamoto et al. (JP 2001-036376, which is the publication number of Japanese application no. 11-209964 from which Yamamoto et al. (U.S. 6,700,302) claims priority) in view of Inoue et al. (U.S. 5,084,647), Applicant submits herewith a certified translation of JP 2000-341675 from which the present application claims priority. Since JP 2000-341675 was filed on November 9, 2000, which is before the publication date of February 9, 2001 of JP 2001-036376, Applicant respectfully submits that JP 2001-036376 is disqualified as prior art in the present application.

Applicant submits herewith a Information Disclosure Statement to cite JP 2001-036376.



Serial No. 09/974,979  
September 21, 2004  
Reply to the Office Action dated June 24, 2004  
Page 10 of 11

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claim 1-17 and 19-24 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: September 21, 2004

  
Attorneys for Applicant

Joseph R. Keating  
Registration No. 37,368

Christopher A. Bennett  
Registration No. 46,710

**KEATING & BENNETT LLP**  
10400 Eaton Place, Suite 312  
Fairfax, VA 22030  
Telephone: (703) 385-5200  
Facsimile: (703) 385-5080